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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,586	11/19/2003	Gordon K. Dennis	HMC-130US	6289

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STRADLEY RONON STEVENS & YOUNG, LLP
30 VALLEY STREAM PARKWAY
GREAT VALLEY CORPORATE CENTER
MALVERN, PA 19355-1481

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,586

Applicant(s)

DENNIS, GORDON K.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The drawings are objected to because the drawings filed on June 21, 2004 are regarded as introducing new matter into the application. All new matter must be canceled. For example, in figure 3, the location of the hasp 20 and the angle of the slot 41 with respect to the shroud is regarded as new matter. See figures 4, 5A, and 5B also. In figure 6, the key lock in the knob 45, the angle of the slot 41, and the structure which contacts the hasp 25 are regarded as new matter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the epoxy adhesive of claim 6, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description should provide support for the "openings" claimed in claims 1, 2, 9 and 16.

Art Unit: 3676

Claims 1, 2 and 16 are objected to because of the following informalities: In claim 1, line 8, "for" should read --from--. In claim 2, line 9, "for" should read --from--. In claim 16, line 6, "formed" should be deleted. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Garvey et al (016).

Garvey teaches a protective cover for a lock 40, including a shroud 44 covering a lock device 40, openings 54, 56 at two opposite ends, means 66 to affix the shroud over the lock 40, and a hasp 36 which is engaged by the lock. The shroud includes a plurality of anchors 66 and means 69 to affix the anchors 66.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey et al in view of Hillabush.

The shroud of Garvey is comprised of approximately quarter inch thick material as set forth in column 4, line 45. Hillabush teaches stainless steel used for shroud 100 and a hasp 200 (column 4, line 15). It would have been obvious to one of ordinary skill in the

Art Unit: 3676

art at the time the invention was made to form the shroud of Garvey of stainless steel, in view of the teaching of Hillabush, the motivation being to provide corrosion resistance.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey et al in view of Oliver.

Oliver teaches screws 32 welded at 35 to a plate 22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to weld the screws of Garvey et al to the portion 64 of the shroud, in view of the teaching of Oliver, the motivation being to provide a strong attachment for the shroud to the door.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey et al in view of Oliver and Braxter.

Oliver teaches screws 32 welded at 35 to a plate 22. Braxter teaches that epoxy is a well known substitute for a weld as set forth in column 4, line 49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the screws of Garvey to the shroud with an epoxy, in view of the respective teachings of Oliver and Braxter, the motivation being to provide a strong attachment for the shroud of Garvey.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvey et al in view of Masoncup et al.

Garvey teaches the entire padlock as being covered by the shroud. Masoncup teaches a shackle 16 which may pivot about the leg 15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a padlock with a pivoting shackle for the padlock of Garvey, in view of the teaching of Masoncup, since

Art Unit: 3676

any well known type of padlock would function just as well in locking the door of Garvey et al.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of Yarborough (343) or Hoffman.

Garner teaches a protective shroud 10 sized to cover a locking device 40, welding means (column 2, line 43) to affix the shroud in place, and a hasp element 30.

Yarborough teaches a shroud with openings at 30, 22 at opposite ends. Hoffman teaches a shroud 52 in figure 2 with openings at opposite ends. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide openings at opposite ends of the shroud of Garner, in view of the teaching of Yarborough or Hoffman, the motivation being to simplify installation of the padlock shackle to the hasp of Garner.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner, and either Yarborough or Hoffman.

White teaches an access door 2, a hasp attached to the container 1 interior by the inner side of the rivet 6, an aperture 8 in the door to receive the hasp, and a lock 13 to receive the hasp when the door is closed. Garner teaches a shroud 10 on a door as set forth above. Yarborough and Hoffman both teach a shroud with an openings at opposite ends as set forth above. It would have been obvious to provide a shroud on the door 2 of White to receive the hasp and padlock, in view of the teaching of Garner, the motivation being to protect the padlock and its shackle from tampering/cutting tools. It would have been obvious to provide an opening at opposite ends of the shroud of White

Art Unit: 3676

as modified by Garner, in view of the teaching of Yarborough or Hoffman, the motivation being to simplify installation of the padlock shackle of White. With respect to claim 16, the sequence of steps are regarded as being inherent in the combination of the references.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and either Yarborough or Hoffman as applied to claim 9 above, and further in view of Hillabush and Garvey et al.

Hillabush teaches a shroud of stainless steel, as set forth above. Garvey teaches a shroud of quarter inch thick material, as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the shroud and hasp of White as modified by Garner and either Yarborough or Hoffman, of quarter inch stainless steel, in view of the respective teachings of Hillabush and Garvey, the motivation being to optimize the corrosion resistance of the shroud and hasp.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and either Yarborough or Hoffman as applied to claim 9 above, and further in view of Masoncup.

Masoncup teaches a padlock with a pivoting shackle. It would have been obvious to substitute a padlock with a pivoting shackle for the padlock of White, in view of the teaching of Masoncup, since any well known type of padlock would function just as well in engaging the hasp of White.

Art Unit: 3676

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and either Yarborough or Hoffman, and Masoncup as applied to claim 12 above, and further in view of Daoud.

Daoud teaches a notch 26 in a hasp to receive a padlock. It would have been obvious to utilize a notch with the hasp of White, in view of the teaching of Daoud, the motivation being to simplify installation of the padlock shackle onto the hasp.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and either Yarborough or Hoffman as applied to claim 12 above, and further in view of an additional teaching of Hoffman.

Hoffman teaches an entire padlock covered by the shroud as seen in fig. 5. It would have been obvious to cover the entire padlock of White with a shroud, in view of the teaching of Hoffman, the motivation being to protect the entire padlock from the elements and from cutting/tampering tools.

Applicant's arguments filed March 16, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks in the first two paragraphs of page 5, it is resubmitted that matter which is not supported by the original disclosure is regarded as new matter, and must be canceled, whether or not the matter is intended to be within the scope of the claims.

Applicant's remarks concerning the prior art rejections are regarded as moot, in view of the new grounds of rejection.

Art Unit: 3676

In response to applicant's request for assistance in drafting allowable claims in the last paragraph of page 7, the examiner is unaware of any claim limitations which would advance the application to allowance.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

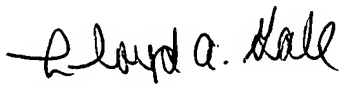
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
May 19, 2005


Lloyd A. Gall
Primary Examiner